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14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 JOE MENDONCA, an individual) CASE NO. 5:23-CV-2211
17 Plaintiff,)
18 vs.)
19 ADYEN, N.V., a Federally Chartered) [28 U.S.C. §§ 1331, 1441, 1446]
20 Bank; and DOES 1 through 20,)
21 inclusive,)
22 Defendants.)

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1 **TO THE JUDGES AND CLERKS OF THE FEDERAL DISTRICT**
2 **COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, PLEASE**
3 **TAKE NOTICE** that Defendant Adyen, N.V. (“Defendant” or “ADYEN, N.V.”),
4 contemporaneously with the filing of this Notice of Removal, hereby effects
5 removal of the below referenced action from the Superior Court in the State of
6 California for the County of Riverside to the United States District Court for the
7 Central District of California, Eastern Division.

8 1. On June 5, 2023, Plaintiff Joe Mendonca (“Plaintiff”) filed this action
9 in the Superior Court of the State of California, Riverside County, entitled *Joe*
10 *Mendonca v. Ayden, Inc.*, case No. CVRI2303416. Plaintiff alleges various
11 violations under the Fair Employment and Housing Act and Title VII of the Civil
12 Rights Act. On July 6, 2023, Plaintiff filed a First Amended Complaint to replace
13 “Ayden, Inc.” with “Adyen, Inc.”, entitled *Joe Mendonca v. Adyen, Inc.*, Case No.
14 CVRI2303416. A copy of the Summons and First Amended Complaint are
15 attached as **Exhibit A to the Declaration of Ayushi Neogi** (hereafter [“Neogi
16 Decl.”]) pursuant to 28 U.S.C. §1446(a), and are incorporated by reference in this
17 Notice of Removal without necessarily admitting any of them.

18 2. On September 27, 2023, Plaintiff filed a Second Amended Complaint
19 to amend his complaint to replace “Adyen, Inc.” with “ADYEN N.V.”, entitled
20 *Joe Mendonca v. Adyen, N.V.*, Case No. CVRI2303416 (hereinafter “the
21 Complaint”). A copy of the Summons and Second Amended Complaint are
22 attached as **Exhibit B to Neogi Decl.** pursuant to 28 U.S.C. §1446(a), and are
23 incorporated by reference in this Notice of Removal without necessarily admitting
24 any of them.

25 3. On October 25, 2023, Defendant filed an Answer to Plaintiff’s Second
26 Amended Complaint pursuant to California Code of Civil Procedure section
27 431.30 in the Superior Court of the State of California, County of Riverside. A
28 true and correct copy of Defendant’s Answer to Plaintiff’s Second Amended

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1 Complaint is attached as **Exhibit C to Neogi Decl.** pursuant to 28 U.S.C. §1446(a).

2 4. The Notice of Removal is timely. To be timely, a notice of removal
3 must be filed within 30 days of service of the Complaint. *See* 28 U.S.C. § 1446(b),
4 *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999). On
5 September 27, 2023, Plaintiff effectuated electronic service of the Second
6 Amended Complaint on Defendant. (Neogi Decl. ¶ 5, 7.)

7 5. Venue is proper in this Court. A civil action arises in the county in
8 which a substantial part of the events or omissions which give rise to the claim
9 occurred. Removal to the United States District Court for the Central District of
10 California is appropriate because the removed state court action was filed in the
11 Superior Court of California, County of Riverside. (Neogi Decl. ¶ 8.) Venue is
12 proper in this Court pursuant to 28 U.S.C. sections 84(c)(1), 1391, 1441, and 1446.

13 6. The Complaint is a civil action of which this Court has jurisdiction
14 under 28 U.S.C. section 1332, and is one which may be removed to this Court
15 pursuant to 28 U.S.C. section 1441(b) in that it is a civil action between citizens
16 of different states and the matter in controversy exceeds the sum of \$75,000.00,
17 exclusive of interest and costs. This Complaint may also be removed pursuant to
18 28 U.S.C. sections 1331 and 1441(a) in that the Complaint alleges claims arising
19 under the laws of the United States. The Complaint alleges that Defendant
20 violated Title VII of the Civil Rights Act by discriminating against Plaintiff on the
21 basis of his sex.

22 7. Complete diversity of citizenship exists in that Plaintiff is a citizen of
23 the state of California and Defendant is a federally chartered bank and public
24 limited company with its principal place of business in Amsterdam, Netherlands.
25 A corporation shall be deemed to be a citizen of any state by which it has been
26 incorporated and the state where it has its principal place of business. *See* 28
27 U.S.C. § 1332(c)(1). Plaintiff also seeks \$2,000,000 in damages. Therefore,
28 complete diversity exists.

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1 8. Federal question jurisdiction exists in that the Complaint alleges a
2 federal cause of action arising under the laws of the United States. Plaintiff alleges
3 violations under Title VII of the Civil Rights Act against Defendant, which is a
4 federal statute. Therefore, this Complaint can also be removed on the basis of
5 federal question jurisdiction.

6 9. Contemporaneously with the filing of this Notice of Removal in the
7 United States District Court for the Central District of California, and pursuant to
8 28 U.S.C. section 1446(d), written notice of such filing will be given by the
9 undersigned to Plaintiff's counsel of record, and a copy of the Notice of Removal
10 will be filed with the Clerk of the Court for the Superior Court of the County of
11 Riverside, California.

12
13 Dated: October 27, 2023

GORDON REES SCULLY MANSUKHANI, LLP

14
15 By:


16 NICHOLAS A. DEMING

17 AYUSHI NEOGI

18 Attorneys for Defendant
19 ADYEN, N.V.
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